

REMARKS

In response to the Office Action dated November 16, 2005, Applicant respectfully requests reconsideration based on the above amendments and the following remarks.

Applicant respectfully submits that the claims as presented are in condition for allowance.

The specification was objected to and has been amended to address the item raised by the Examiner.

Claims 11-19 have been canceled as being drawn to a non-elected invention. Claim 10 was canceled to expedite prosecution. Such cancellation should not be construed as an acquiescence in any rejection.

Claims 1, 4, 8 and 20 were rejected under 35 U.S.C. § 103 as being unpatentable over Centner in view of Moskowitz. This rejection is traversed for the following reasons.

Claim 1 recites, *inter alia*, "iteratively transmitting a first signal including a first data message using a mobile transceiver device, each first data message having information relating to the desired product or service." The Examiner acknowledged that Centner failed to teach this feature and relies on Moskowitz for allegedly teaching this feature. Applicant submits that it would not have been obvious to combine Centner and Moskowitz as proposed by the Examiner.

Centner is directed to submitting RFQs via the Internet using controller 20 that is a personal computer or server (see paragraph [0028]). Centner sends a single RFQ to potential suppliers as described in paragraphs [0038-0039]. Center does suggest using a wireless network to transmit the RFQs. Moskowitz is directed to a different type of system in which a portable device iteratively is provided with product or service offerings as the portable device moves into range of suppliers. In Moskowitz, the iterative messaging is due to the fact that the messaging device is portable and has a limited range.

The iterative transmission of Moskowitz is simply not needed in Centner and thus it would not have been obvious to one of ordinary skill in the art to combine Centner and Moskowitz as proposed by the Examiner. In Centner, the RFQ is sent to a list of preferred suppliers, which may be edited by the user prior to transmission. There is no suggestion that multiple transmissions are needed or would be beneficial. As the controller 20 is fixed in Centner, there is no need to address the roaming buyer as addressed in Moskowitz. Accordingly, there is insufficient motivation to combine Centner and Moskowitz.

For at least the above reasons, claim 1 is patentable over Centner in view of Moskowitz. Claims 4 and 8 variously depend from claim 1 and are patentable over Centner in view of Moskowitz for at least the reasons advanced with reference to claim 1. Claim 20 recites features similar to those discussed above with reference to claim 1 and are patentable over Centner in view of Moskowitz for at least the reasons advanced with reference to claim 1.

Claims 2 and 3 were rejected under U.S.C. § 103 as being unpatentable over Centner in view of Moskowitz and Priceline. This rejection is traversed for the following reasons. Priceline was relied upon for disclosing pricing and expiration date features, but fails to cure the deficiencies of Centner in view of Moskowitz discussed above with reference to claim 1. Claims 2 and 3 depend from claim 1 and are patentable over Centner in view of Moskowitz and Priceline for at least the reasons advance with reference to claim 1.

Claim 5 was rejected under U.S.C. § 103 as being unpatentable over Centner in view of Moskowitz and Day. This rejection is traversed for the following reasons. Day was relied upon for disclosing an offer expiration date, but fails to cure the deficiencies of Centner in view of Moskowitz discussed above with reference to claim 1. Claim 5 depends from claim 1 and are patentable over Centner in view of Moskowitz and Day for at least the reasons advance with reference to claim 1.

Claims 6 and 9 were rejected under U.S.C. § 103 as being unpatentable over Centner in view of Moskowitz and Joao. This rejection is traversed for the following reasons. Joao was relied upon for disclosing a cellular phone for transmitting and receiving messages, but fails to cure the deficiencies of Centner in view of Moskowitz discussed above with reference to claim 1. Claims 6 and 9 depend from claim 1 and are patentable over Centner in view of Moskowitz and Joao for at least the reasons advance with reference to claim 1.

Claim 7 was rejected under U.S.C. § 103 as being unpatentable over Centner in view of Moskowitz and Covington. This rejection is traversed for the following reasons. Covington was relied upon for disclosing receiving a message at a store location, but fails to cure the deficiencies of Centner in view of Moskowitz discussed above with reference to claim 1. Claim 7 depends from claim 1 and is patentable over Centner in view of Moskowitz and Covington for at least the reasons advance with reference to claim 1.

New claims 21 and 22 have been added. These claims depend from claim 1 and are considered allowable for at least the same reasons.

In view of the foregoing remarks and amendments, Applicant submits that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

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